

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS

Washington, D.C. 20231

APPLICATION NUMBER FILING DATE FIRST NAMED APPLICANT ATTORNEY DOCKET NO.

08/847,967 4/22/97

Goldwasser

97-2

EXAMINER: Name: Paul A. B. S. Garcia

ART UNIT

PAPER NUMBER

1627

Initials: PG (initials of first name and last name of attorney or agent, or initials of first name and last name of inventor if no attorney or agent is of record)DATE MAILED: 5/10/01**INTERVIEW SUMMARY**

Each participant in interview must sign a declaration that he or she has been advised of the rights and responsibilities of the interview and that he or she has signed a declaration to the effect that he or she is not under any legal obligation to disclose to the examiner information concerning the invention which he or she has not disclosed to the examiner or which he or she has a duty to the applicant to keep secret.

All participants (applicant, applicant's representative, PTO personnel): Paul A. B. S. Garcia and Maurie Garcia have signed the declaration referred to above.

(1) Maurie Garcia, Rep (3) Paul A. B. S. Garcia, Exm

(2) Paul Stone, Appl Rep (4) None

Date of Interview: 5/10/01

Type: Telephonic Personal (copy is given to applicant applicant's representative)

Exhibit shown or demonstration conducted: Yes No If yes, brief description:

Agreement was reached. was not reached.

Claim(s) discussed: all pending & proposed

Identification of prior art discussed: Cavicchi et al

Description of the general nature of what was agreed to if an agreement was reached, or any other comments: Discussed Cavicchi references & its teachings, with respect to claims (& proposed amendments).

(A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agrees must be attached. Also, where no copy of the amendments which would render the claims allowable are attached.)

It is not necessary for applicant to provide a separate record of the substance of the interview.

Unless the paragraph above has been checked to indicate to the contrary, **IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW**. The interview record has been filed, and the interview record is considered to fulfill the response requirement of the interview unless box 1 above is also checked.

Examiner Note: You must sign this form.

Manual of Patent Examining Procedure, Section 713.04 Substance of Interview must Be Made of Record

A complete written statement as to the substance of any face-to-face or telephone interview with regard to an application must be made of record in the application, whether or not an agreement with the examiner was reached at the interview.

Office of the Commissioner of Patents and Trademarks
Manual of Patent Examining Procedure, Section 713.04 Substance of Interview must Be Made of Record

Office of the Commissioner of Patents and Trademarks

S-1:133-Interviews

5-133-1

7-133-1

(b) In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for response to Office action as specified in § 1.111, 1.135. (35 U.S.C. 132)

§ 1.2. Business to be transacted in writing. All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

YHANNIS WEINSTEIN

Examiners must complete a two-sheet carbon-interleaf Interview Summary Form for each interview held after January 1, 1978 where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks in neat handwritten form using a ball point pen. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below.

The Interview Summary Form shall be given an appropriate paper number, placed in the right hand portion of the file, and listed on the "Contents" list on the file wrapper. The docket and serial register cards need not be updated to reflect interviews. In a personal interview, the duplicate copy of the Form is removed and given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephonic interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the telephonic interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Serial Number of the application
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (personal or telephonic)
- Name of participant(s) (applicant, attorney or agent, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the claims discussed
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). (Agreements as to allowability are tentative and do not restrict further action by the examiner to the contrary.)
- The signature of the examiner who conducted the interview
- Names of other Patent and Trademark Office personnel present.

The Form also contains a statement reminding the applicant of his responsibility to record the substance of the interview.

It is desirable that the examiner orally remind the applicant of his obligation to record the substance of the interview in each case unless both applicant and examiner agree that the examiner will record same. Where the examiner agrees to record the substance of the interview, or when it is adequately recorded on the Form or in an attachment to the Form, the examiner should check a box at the bottom of the Form informing the applicant that he need not supplement the Form by submitting a separate record of the substance of the interview.

It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview:

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted.
- 2) An identification of the claims discussed.
- 3) An identification of specific prior art discussed.
- 4) An identification of the particular arguments presented to the examiner. The identification of arguments need not be lengthy or elaborate. A verb or thrust of the argument may be emphasized.
- 5) A brief identification of the general nature of the arguments presented to the examiner. The identification of arguments need not be lengthy or elaborate. A verb or thrust of the argument may be emphasized.

It is the responsibility of the applicant to record the substance of the interview. If the record is not complete or accurate, the examiner will give the interview, whichever is longer, to complete the response and thereby avoid the possibility of a record of the interview being filed on the basis of an incomplete record.

The accuracy of any argument or statement attributed to the examiner will be pointed out in the next Office letter. If the record is incomplete, each item must be filed on a separate sheet.

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